S.B.CRIMINAL MISC. BAIL APPLICATION NO.2075/2007

(Ganpat Kandara & Anr. vs. State of Rajasthan)

DATE OF ORDER : July 09, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Pradeep Shah, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioners as well as the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It is contended by the learned counsel for the petitioners that the petitioners have filed a complaint under section 138 of the Negotiable Instrument Act, 1881 against the complainant. The Additional Chief Judicial Magistrate, Udaipur has taken cognizance of the offences against the complainant and issued the process.

Be that as it may, without commenting on the merit of the case, which may prejudice the case of either party at the trial, having considered the totality of facts and circumstances of the case, I think it just and proper to grant anticipatory bail to the petitioners.

Accordingly, it is directed that in the event of arrest of petitioners Ganpat Kandara s/o Prabhu Lal and Rajesh s/o Gowardhan lal in FIR No.91/2007, P.S.Bhupalpura, Udaipur, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-